APPENDIX A

August 4, 1981

THE STATE OF ALABAMA- JUDICIAL DEPARTMENT

THE ALABAMA COURT OF CRIMINAL APPEALS

OCTOBER TERM, 1980-81

5 Div. 538

TIMOTHY CHARLES DAVIS
V.
STATE OF ALABAMA

APPEALED FOR THE COOSA COUNTY CIRCUIT COURT.

Per Curiam

The judgement of the conviction ir reversed and the cause remanded for a new trial on mandate of Beck v. Alabama, 447 U.S. 625, 100 S. Ct. 2382, 65L Ed. 2d 392 (1980), on remand, 396 So2d 645 (Ala. 1981), and Ritter v. State, _____ So.2d. _____(Ala.1981)[77-798, MS. May 8, 1981].

REVERSED AND REMANDED.

All judges concur.

81-73 - Ex parte State (Re: Davis v. State)

JONES, JUSTICE

I respectfully dissent. I would grant the writ. See my dissent in Ex parte State (Re: Bryars v. State) [Ms. Dec. 11, 1981]
_____ So. 2d _____(Ala. 1981).

Maddox and Adams , JJ., concur

APPENDIX B

January 8, 1982

STATE OF ALABMA - JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

October Term, 1981-82

Ex Parte: State of Alabama

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS

(Re: Timothy Charles Davis

v.

81-73

State of Alabama)

BEATTY, JUSTICE

WRIT DENIED.

Torbert, C.J. , Faulkner, Almon, Shores, and Embry, JJ.,

concur.

Maddox, Jones, and Adams JJ.,

dissent.

81-71- Ex parte State (Re: Davis v. State)

JONES, JUSTICE

I respectfully dissent. I would grant the writ. See my dissent in Ex parte State (Re: Bryars v. State) [Ms. Dec. 11, 1981]

_____ So. 2d _____ (Ala. 1981).

Maddox and Adams, JJ., concur.

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1982

STATE OF ALABAMA,

Petitioner

Vs.

TIMOTHY CHARLES DAVIS,

Respondent

AFFIDAVIT CONCERNING MAILING

Before me, the undersigned notary, personally appeared James F. Hampton, who after being duly sworn, does depose and say as follows;

My name is James F. Hampton. I am a Special Assistant Attorney General of the State of Alabama, a member of the Bar of the United States Supreme Court, and counsel of record for the Petitioner in the above-styled case.

On March ___1982, I personally deposied in the Downtown Branch of the United States Post Office in Montgomery, Alabama,

a package containing forty copies of the Petition for a Writ of Certiorari in the above-styled case. The package was properly addressed and first Class postage, as calculated by postal employees at the time of mailing, was prepaid.

To my own personal knowledge, the mailing took place on March , 1982, as described herein.

_____

JAMES F. HAMPTON
SPECIAL ASS'T ATTORNEY GEN.

SWORN TO AND SUBSCRIBED
before me this _____
day of March, 1982.

_____
Notary Public

My commission expires _____